1 ELIZABETH II.

CHAP. 42.

An Act respecting Immigration

[*Assented to 4th July, 1952.*]

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as *The Immigration Act.* Short title

INTERPRETATION.

2. In this Act Definitions.

(a) "admission" includes entry into Canada, landing in Canada, and the return to Canada of a person who has been previously landed in Canada and has not acquired Canadian domicile; "admission."

(b) "Canadian citizen" means a person who is a Canadian citizen within the meaning of *The Canadian Citizenship Act;* "Canadian citizen".

(c) "Canadian domicile" means Canadian domicile acquired and held in accordance with section four; "Canadian domicile".

(d) "deportation" means the removal under this Act of a person from any place in Canada to the place whence he came to Canada or to the country of his nationality or citizenship or to the country of his birth or to such country as may be approved by the Minister under this Act, as the case may be; "deportation".

(e) "Director" means the Director of the Immigration Branch of the Department of Citizenship and Immigration or a person authorized by the Minister to act for the Director; "Director".

(f) "entry" means the lawful admission of a non-immigrant to Canada for a special or temporary purpose and for a limited time; "entry".

"family". *(g)* "family" includes the father and mother and any children who, by reason of age or disability, are, in the opinion of an immigration officer, mainly dependent upon the head of family for support;

"head of family". *(h)* "head of family" means the person in the family upon whom the other members are mainly dependent for support;

"immigrant". *(i)* "immigrant" means a person who seeks admission to Canada for permanent residence;

"immigrant station" *(j)* "immigrant station" means any place designated by the Minister for the examination, treatment or detention of persons for any purpose under this Act, and includes immigration quarters at ports of entry;

"Immigration Appeal Board". *(k)* "Immigration Appeal Board" means a board constituted under this Act to consider and decide appeals from deportation orders;

"immigration officer". *(l)* "immigration officer" means a person described in subsection one of section ten;

"immigration officer in charge". *(m)* "immigration officer in charge" means the immigration officer in immediate charge or control at a port of entry;

"landing". *(n)* "landing" means the lawful admission of an immigrant to Canada for permanent residence;

"master". *(o)* "master" means the person in immediate charge or control of a vehicle;

"medical officer". *(p)* "medical officer" means a person authorized or recognized by the Minister as a medical officer for the purposes of this Act;

"member of a crew". *(q)* "member of a crew" means any person, including a master, who is employed on board or belongs to the staff or crew of a vehicle;

"Minister". *(r)* "Minister" means the Minister of Citizenship and Immigration;

"non-immigrant" *(s)* "non-immigrant" means a person who is a member of any of the classes designated in subsections one and two of section seven;

"owner". *(t)* "owner" includes the agent of the owner of a vehicle or the charterer or consignee of a vehicle;

"permit". *(u)* "permit" means a valid and subsisting permit issued under section eight;

"place of domicile". *(v)* "place of domicile" means the place in which a person has his home or in which he resides or to which he returns as his place of permanent abode and does not mean a place in which he stays for a mere special or temporary purpose;

"port of entry". *(w)* "port of entry" means any place in Canada designated as such by the Minister for the examination of persons under this Act;

"prohibited class". *(x)* "prohibited class" means any of the classes of persons designated in section five;

(y) "ship" includes every boat and craft of any kind for travel or transport other than by land or air; "ship".

(z) "Special Inquiry Officer" means a person described in subsection one of section eleven; "Special Inquiry Officer".

(aa) "transportation company" means a corporate body, firm or person carrying or providing for the transit of persons, whether by vehicle or otherwise, and the Government of Canada or the government of any province or municipality of Canada so carrying or providing for the transport of persons, and any two or more transportation companies co-operating in the business of carrying persons; and "transportation company".

(bb) "vehicle" means any ship, railway train, bus, automobile, aircraft or other means of travel by sea, land or air. "vehicle".

PART I

Admission to Canada

Canadian Citizens and Persons with Canadian Domicile.

3. (1) A Canadian citizen has the right to come into Canada. Canadian citizens.

(2) Subject to subsection three, a person who is not a Canadian citizen but has acquired and has not lost Canadian domicile shall be allowed to come into Canada. Persons with Canadian domicile.

(3) Any person with Canadian domicile, other than a Canadian citizen, who Persons who assist Canada's enemies

(a) within or without Canada, performed any military service for or otherwise aided or abetted a country then at war with Canada;

(b) within or without Canada, performed for or rendered to a country other than Canada any military service or other aid or assistance that is prejudicial to any action taken by Canada under the United Nations Charter, the North Atlantic Treaty or other similar instrument for collective defence that may be entered into by Canada; or

(c) left Canada for any of the purposes described in paragraphs *(a)* and *(b)*;

shall not be allowed to come into Canada unless authorized by the Minister to do so.

Canadian Domicile

4. (1) Canadian domicile is acquired for the purposes of this Act by a person having his place of domicile for at least five years in Canada after having been landed in Canada. Acquisition

(2) No period shall be counted towards the acquisition of Canadian domicile during which a person Certain periods do not count.

(a) is confined in or is an inmate of any penitentiary, gaol, reformatory or prison or any asylum or hospital for mental diseases;

(b) resides in Canada after the making of a deportation order against him and prior to the execution of such order or his voluntarily leaving Canada, unless an appeal against such order is allowed; or

(c) resides in Canada under a permit.

Loss through residence outside of Canada.

(3) Canadian domicile is lost by a person voluntarily residing out of Canada with the intention of making his permanent home out of Canada and not for a mere special or temporary purpose, but in no case shall residence out of Canada for any of the following objects cause loss of Canadian domicile, namely,

Exceptions

(a) as a representative or employee of a firm, business, company or organization, religious or otherwise, established in Canada;

(b) in the public service of Canada or of a province thereof; or

(c) as the spouse or the child for the purpose of being with a spouse or parent residing out of Canada for any of the objects or causes specified in paragraph *(a)* or *(b)*.

Loss where activities detrimental to security of Canada.

(4) A person concerning whom a report is made under paragraph *(a)*, *(b)* or *(c)* of subsection one of section nineteen and who is found upon an inquiry under this Act to have engaged in or been convicted of any of the activities described in such paragraph shall be deemed to have lost, at the time of engaging in or conviction for such activity, any Canadian domicile he had acquired prior to that time, unless an appeal against his deportation order is allowed.

Loss where conviction for narcotics offences.

(5) A person concerning whom a report is made under paragraph *(d)* of subsection one of section nineteen and who is found upon an inquiry under this Act to have been convicted of an offence referred to in such paragraph shall be deemed to have lost, at the time of such conviction, any Canadian domicile he had acquired prior to that time.

Loss upon ceasing to be a Canadian citizen.

(6) A person who has acquired the status of a Canadian citizen, other than a natural-born Canadian citizen, and ceases to be a Canadian citizen under section fifteen, section seventeen or paragraph *(a)*, *(d)*, *(e)* or *(f)* of subsection one of section nineteen of *The Canadian Citizenship Act* shall be deemed to have lost Canadian domicile at the time he ceased to be a Canadian citizen.

Loss of periods counting towards Canadian domicile.

(7) Any period during which a person has his place of domicile in Canada that is less than the period required for the acquisition of Canadian domicile and that might otherwise be counted by a person towards the acquisition of

Canadian domicile is lost upon the making of a deportation order against him, unless an appeal against such order is allowed.

Prohibited Classes.

Prohibited classes.

5. No person, other than a person referred to in subsection two of section seven, shall be admitted to Canada if he is a member of any of the following classes of persons:

Mentally defective persons, etc.

(a) persons who
(i) are idiots, imbeciles or morons,
(ii) are insane or, if immigrants, have been insane at any time,
(iii) have constitutional psychopathic personalities, or
(iv) if immigrants, are afflicted with epilepsy;

Diseased persons

(b) persons afflicted with tuberculosis in any form, trachoma or any contagious or infectious disease or with any disease that may become dangerous to the public health, but, if such disease is one that is curable within a reasonably short time, the afflicted persons may be allowed, subject to any regulations that may be made in that behalf, to come into Canada for treatment;

Physically defective persons

(c) immigrants who are dumb, blind or otherwise physically defective, unless
(i) they have sufficient means of support or such profession, trade, occupation, employment or other legitimate mode of earning a living that they are not likely to become public charges, or
(ii) they are members of a family accompanying them or already in Canada and the family gives satisfactory security against such immigrants becoming public charges;

Criminals

(d) persons who have been convicted of or admit having committed any crime involving moral turpitude, except persons whose admission to Canada is authorized by the Governor in Council upon evidence satisfactory to him that
(i) at least five years, in the case of a person who was convicted of such crime when he was twenty-one or more years of age, or at least two years, in the case of a person who was convicted of such crime when he was under twenty-one years of age, have elapsed since the termination of his period of imprisonment or completion of sentence and, in either case, he has successfully rehabilitated himself, or
(ii) in the case of a person who admits to having committed such crime of which he was not convicted, at least five years, in the case of a person who committed such crime when he was twenty-one

or more years of age, or at least two years, in the case of a person who committed such crime when he was under twenty-one years of age, have elapsed since the date of commission of the crime and, in either case, he has successfully rehabilitated himself;

Prostitutes, etc.

(e) prostitutes, homosexuals or persons living on the avails of prostitution or homosexualism, pimps, or persons coming to Canada for these or any other immoral purposes;

Procurers.

(f) persons who attempt to bring into Canada or procure prostitutes or other persons for the purpose of prostitution, homosexualism or other immoral purposes;

Beggars and vagrants.

(g) professional beggars or vagrants;

Public charges.

(h) persons who are public charges or who, in the opinion of a Special Inquiry Officer, are likely to become public charges;

Alcoholics.

(i) persons who are chronic alcoholics;

Drug addicts

(j) persons who are addicted to the use of any substance that is a drug within the meaning of *The Opium and Narcotic Drug Act, 1929;*

Drug pedlars.

(k) persons who are engaged or are suspected on reasonable grounds of being likely to engage in any unlawful giving, using, inducing other persons to use, distributing, selling, offering or exposing for sale, buying, trading or trafficking in any substance that is a drug within the meaning of *The Opium and Narcotic Drug Act, 1929*, or persons who at any time have been so engaged unless, in the latter case, at least five years have elapsed since they were so engaged and they are not, in the opinion of the Minister, likely to unlawfully use or deal in any way in such substances or cause other persons to do so;

Members of subversive organizations.

(l) persons who are or have been, at any time before or after the commencement of this Act, members of or associated with any organization, group or body of any kind concerning which there are reasonable grounds for believing that it promotes or advocates or at the time of such membership or association promoted or advocated subversion by force or other means of democratic government, institutions or processes, as they are understood in Canada, except persons who satisfy the Minister that they have ceased to be members of or associated with such organizations, groups or bodies and whose admission would not be detrimental to the security of Canada;

Persons who engage in or advocate subversion of democratic processes, etc.

(m) persons who have engaged in or advocated or concerning whom there are reasonable grounds for believing they are likely to engage in or advocate subversion by force or other means of democratic government, institutions or processes, as they are understood in Canada;

(n) persons concerning whom there are reasonable grounds for believing they are likely to engage in espionage, sabotage or any other subversive activity directed against Canada or detrimental to the security of Canada; Spies, saboteurs, etc.

(o) other members of a family accompanying a member of that family who is not admissible to Canada, unless, in the opinion of a Special Inquiry Officer, no hardship would be involved by the separation of the family; Members of family of non-admissible persons.

(p) persons who are not, in the opinion of a Special Inquiry Officer, bona fide immigrants or non-immigrants; Persons not bona fide immigrants or non-immigrants.

(q) persons who have been found guilty of espionage with respect to Her Majesty or any of Her Majesty's allies; Espionage.

(r) persons who have been found guilty of high treason or treason against or of conspiring against Her Majesty or of assisting Her Majesty's enemies in time of war, or of any similar offence against any of Her Majesty's allies; Conspirators;

(s) persons, not included in any other prohibited class, who are certified by a medical officer as being mentally or physically abnormal to such a degree as to impair seriously their ability to earn a living; and Persons medically certified as impaired.

(t) persons who cannot or do not fulfill or comply with any of the conditions or requirements of this Act or the regulations or any orders lawfully made or given under this Act or the regulations. Persons who cannot comply with Act.

General Presumption

6. Every person seeking to come into Canada shall be presumed to be an immigrant until he satisfies the immigration officer examining him that he is not an immigrant. General presumption.

Non-Immigrants

7. (1) The following persons may be allowed to enter and remain in Canada as non-immigrants, namely, Persons who may enter Canada as non-immigrants.

(a) persons who are diplomatic or consular officers or representatives or officials duly accredited of a country other than Canada or of the United Nations or any of its agencies or of any intergovernmental organization in which Canada participates, coming to Canada to carry out their official duties or passing through in transit, or members of the suites or families of such persons; Diplomats.

(b) members of any naval, army or air forces who come to Canada for training or otherwise in connection with the defence and security interests of Canada, or under the provision of any treaty or agreement between Members of allied forces.

Canada and another country, and whose entry into Canada is approved by the Minister, together with such members of their families or suites as may be so approved;

Tourists or visitors. *(c)* tourists or visitors;

Persons in transit *(d)* persons passing through Canada to another country;

Clergymen, priests, etc. *(e)* clergymen, priests or members of a religious order entering Canada or who, having entered, are in Canada, in connection with the carrying out of their religious duties;

Students. *(f)* students entering Canada for the purpose of attending and, after entering Canada, while they are in actual attendance at any university or college authorized by statute or charter to confer degrees or entering Canada for and, after entering Canada, while they are actually taking some other academic, professional or vocational training approved by the Minister for the purposes of this paragraph;

Entertainers. *(g)* members of dramatic, artistic, athletic or other groups entering Canada or who, having entered, are in Canada, for the purpose of giving performances or exhibitions of an entertaining or instructive nature;

Temporary professional services. *(h)* persons engaged in a legitimate profession, trade or occupation entering Canada or who, having entered, are in Canada, for the temporary exercise of their respective callings;

Seasonal workers. *(i)* persons entering Canada or who, having entered, are in Canada, for seasonal or other temporary employment, unless otherwise directed by the Minister; and

Members of crews. *(j)* members of crews entering Canada or who, having entered, are in Canada, for shore leave or some other legitimate and temporary purpose.

Other classes of non-immigrants. (2) In addition to the persons described in subsection one, the following persons may be allowed to enter and remain in Canada as non-immigrants:

Persons entering Canada for treatment. *(a)* persons authorized by the Minister to enter Canada for treatment and care at any health resort, hospital, sanitarium, asylum or other place or institution for their cure and care and, after entering Canada, while they are actually under such treatment and care;

Under guard. *(b)* persons passing in transit through Canada under escort or guard; and

Permit holders. *(c)* holders of a permit.

Where person ceases to be a non-immigrant. (3) Where any person who entered Canada as a non-immigrant ceases to be a non-immigrant or to be in the particular class in which he was admitted as a non-immigrant and, in either case, remains in Canada, he shall forthwith report such facts to the nearest immigration officer and present himself for examination at such place and time as he may be directed and shall, for the purposes

of the examination and all other purposes under this Act, be deemed to be a person seeking admission to Canada.

Declaration by Minister.

(4) Where any person who entered Canada as a non-immigrant is in the opinion of the Minister a person described in paragraph *(a)*, *(b)*, *(c)*, *(d)* or *(e)* of subsection one of section nineteen, the Minister may at any time declare that such person has ceased to be a non-immigrant and such person shall thereupon cease to be a non-immigrant.

Minister may order deportation.

(5) The Minister may make a deportation order against a person referred to in subsection four and such person has no right of appeal from the deportation order and shall be deported as soon as practicable.

Entry under Permit

Issue of permits.

8. (1) The Minister may issue a written permit authorizing any person to enter Canada or, being in Canada, to remain therein.

For limited period and effect.

(2) A permit shall be expressed to be in force for a specified period not exceeding twelve months, and during the time that it is in force a permit stays the execution of any deportation order that may have been made against the person concerned.

Extension and cancellation.

(3) The Minister may at any time, in writing, extend or cancel a permit.

Deportation following termination of a permit.

(4) The Minister may, upon the cancellation or expiration of a permit, make a deportation order respecting the person concerned and such person has no right of appeal from the deportation order and shall be deported as soon as practicable.

Annual report to Parliament.

(5) The Minister shall submit to Parliament within thirty days of the commencement of the first session of Parliament in each year a report showing all permits, with particulars thereof, issued during the preceding calendar year.

Special landing of certain persons.

9. The Minister may, notwithstanding any provision of this Act, authorize the landing as an immigrant of any person who

(a) has, by virtue of a permit granted under the immigration laws that were in force in Canada before the commencement of this Act, been permitted to enter or remain in Canada;

(b) has, since the issue of such permit, resided in Canada for at least ten years; and

(c) will not, in his opinion, become a public charge or dangerous to the public health and, in his opinion, is not a person whose landing is contrary to the public interest.

PART II

ADMINISTRATION

Immigration Officers

Immigration officers.

10. (1) The following persons are immigration officers for the purposes of this Act:

(a) persons appointed as immigration officers in the manner authorized by law;

(b) where no immigration officer is available for duty at a port of entry, the chief customs officer at that port or any subordinate customs officer designated by him; and

(c) where any circumstances arise in which the Minister deems it necessary for the proper carrying out of this Act, persons or classes of persons recognized by the Minister as immigration officers.

Authority of special constable.

(2) Every immigration officer has the authority and powers of a peace officer to enforce any provision of this Act, the regulations or any order lawfully made under this Act or the regulations respecting the arrest, detention or deportation of any person.

Temporary assistants.

(3) For the purposes of subsection two, every immigration officer may, in cases of emergency, employ such temporary assistants as he deems necessary to enable him to carry out his duties under this Act and the regulations and such temporary assistants shall, during their employment, have the authority and powers referred to in subsection two, but no such employment shall continue for a period exceeding forty-eight hours unless approved by the Minister.

Oaths and evidence.

(4) Every immigration officer has authority to administer oaths and take evidence under oath or by affirmation in any matter arising under this Act.

Special Inquiry Officers

Special Inquiry Officers.

11. (1) Immigration officers in charge are Special Inquiry Officers and the Minister may nominate such other immigration officers as he deems necessary to act as Special Inquiry Officers.

Powers of inquiry.

(2) A Special Inquiry Officer has authority to inquire into and determine whether any person shall be allowed to come into Canada or to remain in Canada or shall be deported.

Power to examine witnesses, etc.

(3) A Special Inquiry Officer has all the powers and authority of a commissioner appointed under Part I of the Inquiries Act and, without restricting the generality of the foregoing, may, for the purposes of an inquiry,

(a) issue a summons to any person requiring him to appear at the time and place mentioned therein, to testify to all matters within his knowledge relative to the subject matter of the inquiry, and to bring with him and produce any document, book or paper that he has in his possession or under his control relative to the subject matter of the inquiry;

(b) administer oaths and examine any person upon oath, affirmation or otherwise;

(c) issue commissions or requests to take evidence in Canada;

(d) engage the services of such counsel, technicians, clerks, stenographers or other persons as he may deem necessary for a full and proper inquiry; and

(e) do all other things necessary to provide a full and proper inquiry.

Immigration Appeal Boards

12. (1) The Minister may nominate such persons as he deems necessary to serve on Immigration Appeal Boards. Nomination.

(2) An Immigration Appeal Board shall be composed of at least three persons. Number of members.

(3) The Special Inquiry Officer who made the deportation order appealed from shall not serve on the Immigration Appeal Board constituted to hear an appeal against such deportation order. Exception.

Duties and Rights of Peace Officers

13. Every constable and other peace officer in Canada, whether appointed under the laws of Canada or of any province or municipality thereof, and every person in immediate charge or control of an immigrant station shall, when so directed by the Minister, Deputy Minister, Director, a Special Inquiry Officer or an immigration officer, receive and execute, according to the tenor thereof, any written warrant or order made under the authority of this Act or the regulations for the arrest, detention or deportation of any person. Duties of police to execute orders.

14. For the preservation of the peace and in order that arrests may be made for offences against the laws of Canada or of any province or municipality thereof in which the various immigrant stations are located, the persons in immediate charge or control of such immigrant stations shall admit therein any constables or other peace officers charged with the enforcement of such laws, and, for the purposes of this section, the authority of such constables or other peace officers and the jurisdiction of the local court extends over such immigrant stations. Right of local police to enter immigrant station.

Arrest and Detention

Warrant for arrest.

15. (1) The Minister may issue a warrant for the arrest of any person respecting whom an examination or inquiry is to be held or a deportation order has been made under this Act.

Order for detention.

(2) The Minister, Deputy Minister, Director or a Special Inquiry Officer may make an order for the detention of or direct the detention of any such person.

Where person is in prison.

(3) Where the person concerned is an inmate of a penitentiary, gaol, reformatory or prison, the Minister shall, unless he approves of the issue of a warrant or order under subsection one or two, issue an order to the warden, governor or other person in charge thereof commanding him, at the expiration of the sentence or term of imprisonment awarded to such person or at the expiration of his sentence or term of imprisonment as reduced by the operation of a statute or other law or by a valid act of clemency, to detain such person and deliver him to an immigration officer to take into custody and cause him to be detained as the warrant may direct.

Form and effect of warrants and orders.

(4) A warrant or order made or a direction given under this section is, notwithstanding any other Act or law, sufficient authority to the person to whom it is addressed or who may, under this Act, receive and execute it to arrest and take into custody or cause the detention of the person concerned, as the case may be.

Arrest without warrant in certain cases.

16. Every constable and other peace officer in Canada, whether appointed under the laws of Canada or of any province or municipality thereof, and every immigration officer may, without the issue of a warrant, order or direction for arrest or detention, arrest and detain for an inquiry or for deportation or both any person who upon reasonable grounds is suspected of being a person referred to in subparagraph (vii), (viii), (ix) or (x) of paragraph *(e)* of subsection one of section nineteen.

Detention.

17. Any person respecting whom an inquiry is to be held or a deportation order has been made may be detained pending inquiry, appeal or deportation at an immigrant station or other place satisfactory to the Minister.

Conditional release.

18. (1) Subject to any order or direction to the contrary by the Minister, a person taken into custody or detained may be released under such conditions, respecting the time and place at which he will report for examination, inquiry or deportation, payment of a security deposit or other conditions, as may be satisfactory to a Special Inquiry Officer.

(2) Where a person fails to comply with any of the conditions under which he is released from custody or detention, he may be retaken into custody forthwith and any security deposit that may have been made as a condition of his release shall be deemed to be forfeited and shall form part of the Consolidated Revenue Fund. Failure to comply.

Reports in Certain Cases

19. (1) Where he has knowledge thereof, the clerk or secretary of a municipality in Canada in which a person hereinafter described resides or may be, an immigration officer or a constable or other peace officer shall send a written report to the Director, with full particulars, concerning Reports on persons in Canada.

(a) any person, other than a Canadian citizen, who engages in, advocates or is a member of or associated with any organization, group or body of any kind that engages in or advocates subversion by force or other means of democratic government, institutions or processes, as they are understood in Canada; Persons who are members of subversive organizations, etc.

(b) any person, other than a Canadian citizen, who, if in Canada, has, by a court of competent jurisdiction, been convicted of any offence involving disaffection or disloyalty to Her Majesty; Persons convicted of offences involving disloyalty.

(c) any person, other than a Canadian citizen, who, if out of Canada, engages in espionage, sabotage or any activity detrimental to the security of Canada; Spies, saboteurs, etc.

(d) any person, other than a Canadian citizen, who is convicted of an offence for the violation of paragraph *(a)*, *(d)*, *(e)* or *(f)* of subsection one of section four of *The Opium and Narcotic Drug Act, 1929;* or Persons convicted of narcotics offences.

(e) any person, other than a Canadian citizen or a person with Canadian domicile, who Other cases.

(i) practices, assists in the practice of or shares in the avails of prostitution or homosexualism,

(ii) has been convicted of an offence under the *Criminal Code*,

(iii) has become an inmate of a penitentiary, gaol, reformatory or prison or of an asylum or hospital for mental diseases,

(iv) was a member of a prohibited class at the time of his admission to Canada,

(v) has, since his admission to Canada, become a person who, if he were applying for admission to Canada, would be refused admission by reason of his being a member of a prohibited class other than the prohibited classes described in paragraphs *(a)*, *(b)*, *(c)* and *(s)* of section five,

(vi) entered Canada as a non-immigrant and remains therein after ceasing to be a non-immigrant or to be in the particular class in which he was admitted as a non-immigrant,

(vii) came into Canada at any place other than a port of entry or eluded examination or inquiry under this Act or escaped from lawful custody or detention under this Act,

(viii) came into Canada or remains therein with a false or improperly issued passport, visa, medical certificate or other document pertaining to his admission or by reason of any false or misleading information, force, stealth or other fraudulent or improper means, whether exercised or given by himself or by any other person,

(ix) returns to or remains in Canada contrary to the provisions of this Act after a deportation order has been made against him or otherwise, or

(x) came into Canada as a member of a crew and, without the approval of an immigration officer or beyond the period approved by such officer, remains in Canada after the departure of the vehicle on which he came into Canada.

Subject to deportation.

(2) Every person who is found upon an inquiry duly held by a Special Inquiry Officer to be a person described in subsection one is subject to deportation.

PART III

EXAMINATIONS, INQUIRIES AND APPEALS

Examination by Immigration Officers

All persons coming into Canada to be examined.

20. (1) Every person, including Canadian citizens and persons with Canadian domicile, seeking to come into Canada shall first appear before an immigration officer at a port of entry or at such other place as may be designated by an immigration officer in charge, for examination as to whether he is or is not admissible to Canada or is a person who may come into Canada as of right.

Duty to answer questions

(2) Every person shall answer truthfully all questions put to him by an immigration officer at an examination and his failure to do so shall be reported by the immigration officer to a Special Inquiry Officer and shall, in itself, be sufficient ground for deportation where so ordered by the Special Inquiry Officer.

Immediate admission if not contrary to Act.

(3) Unless the examining immigration officer is of opinion that it would or may be contrary to a provision of this Act or the regulations to grant admission to or otherwise let a person examined by him come into Canada,

he shall, after such examination, immediately grant admission to or let such person come into Canada.

Medical examination.

21. Where so required under the regulations, a person seeking admission to Canada or a person referred to in section nineteen shall undergo a mental or physical examination or both by a medical officer.

Where person cannot be properly examined.

22. (1) Where, in the opinion of the examining immigration officer, a person appearing before him for examination cannot be properly examined due to the effects of alcohol, drugs, illness or other cause, the immigration officer may cause an examination of such person to be deferred until such time as he may be properly examined or may make an order for his rejection.

Service of rejection order.

(2) A rejection order or copy thereof shall be served upon the person against whom it is made and upon the owner or master of the vehicle by which such person was brought to Canada.

Cessation of order.

(3) A rejection order shall cease to be in force or to have effect when the person against whom it was made again appears before an immigration officer and can, in the opinion of such officer, be properly examined by him.

Inquiries

Report to Special Inquiry Officer.

23. Where an immigration officer, after examination of a person seeking to come into Canada, is of opinion that it would or may be contrary to a provision of this Act or the regulations to grant admission to or otherwise let such person come into Canada, he may cause such person to be detained and shall report him to a Special Inquiry Officer.

Persons who come from U.S.A. etc.

24. (1) Where the Special Inquiry Officer receives a report under section twenty-three concerning a person who seeks to come into Canada from the United States of America, Alaska or St. Pierre and Miquelon, he shall, after such further examination as he may deem necessary and subject to any regulations made in that behalf, admit such person or let him come into Canada or make a deportation order against such person, and in the latter case such person shall be returned as soon as practicable to the place whence he came to Canada.

Other persons.

(2) Where the Special Inquiry Officer receives a report under section twenty-three concerning a person, other than a person referred to in subsection one, he shall admit him or let him come into Canada or may cause such person to be detained for an immediate inquiry under this Act.

Immediate inquiry in certain cases.

25. Where a person is, pursuant to section fifteen or sixteen, arrested with or without a warrant, a Special Inquiry Officer shall forthwith cause an inquiry to be held concerning such person.

Persons reported under section nineteen.

26. Subject to any order or direction by the Minister, the Director shall, upon receiving a written report under section nineteen and where he considers that an inquiry is warranted, cause an inquiry to be held concerning the person respecting whom the report was made.

Nature of hearing.

27. (1) An inquiry by a Special Inquiry Officer shall be separate and apart from the public but in the presence of the person concerned wherever practicable.

Right to counsel.

(2) The person concerned, if he so desires and at his own expense, shall have the right to obtain and to be represented by counsel at his hearing.

Evidence.

(3) The Special Inquiry Officer may at the hearing receive and base his decision upon evidence considered credible or trustworthy by him in the circumstances of each case.

Burden of proof where person seeking to come into Canada.

(4) Where an inquiry relates to a person seeking to come into Canada, the burden of proving that he is not prohibited from coming into Canada rests upon him.

Decision after inquiry.

28. (1) At the conclusion of the hearing of an inquiry, the Special Inquiry Officer shall render his decision as soon as possible and shall render it in the presence of the person concerned wherever practicable.

Where person may be admitted or remain in Canada.

(2) Where the Special Inquiry Officer decides that the person concerned is a person who

(a) may come into or remain in Canada as of right;

(b) in the case of a person seeking admission to Canada, is not a member of a prohibited class; or

(c) in the case of a person who is in Canada, is not proven to be a person described in paragraph *(a)*, *(b)*, *(c)*, *(d)* or *(e)* of subsection one of section nineteen,

he shall, upon rendering his decision, admit or let such person come into Canada or remain therein, as the case may be.

Where deportation to be ordered.

(3) In the case of a person other than a person referred to in subsection two, the Special Inquiry Officer shall, upon rendering his decision, make an order for the deportation of such person.

Future inquiries may be held.

(4) No decision rendered under this section shall prevent the holding of a future inquiry if required by reason of a subsequent report under section nineteen or pursuant to section twenty-five.

29. An inquiry may be reopened by a Special Inquiry Officer or by order of the Minister, or by majority decision of an Immigration Appeal Board for the hearing and receiving of any additional evidence or testimony and a Special Inquiry Officer has authority, after hearing such additional evidence or testimony, to confirm, amend or reverse the decision previously rendered. Reopening of inquiry.

Appeals

30. No appeal may be taken from a deportation order respecting any person who is ordered deported as a member of a prohibited class described in paragraph *(a)*, *(b)* or *(s)* of section five where the decision is based upon a certificate of the examining medical officer or as a person described in paragraph *(d)* of subsection one of section nineteen. Where no appeal allowed.

31. (1) Except in the case of a deportation order referred to in subsection five of section seven, subsection four of section eight or section thirty, an appeal may be taken by the person concerned from a deportation order if the appellant forthwith serves a notice of appeal upon an immigration officer or upon the person who served the deportation order. Where appeal allowed and how it is initiated.

(2) All appeals from deportation orders shall be reviewed and decided upon by the Minister with the exception of appeals that the Minister directs should be dealt with by an Immigration Appeal Board. Who decides appeals.

(3) An Immigration Appeal Board or the Minister, as the case may be, has full power to consider all matters pertaining to a case under appeal and to allow or dismiss any appeal, including the power to quash an opinion of a Special Inquiry Officer that has the effect of bringing a person into a prohibited class and to substitute the opinion of the Board or of the Minister for it. Powers on appeal.

(4) The Minister may in any case review the decision of an Immigration Appeal Board and confirm or quash such decision or substitute his decision therefor as he deems just and proper and may, for these purposes, direct that the execution of the deportation order concerned be stayed pending his review and decision, and the decision of the Minister on appeals dealt with or reviewed by him or the decision of the majority of an Immigration Appeal Board on appeals, other than those reviewed by the Minister, is final. Review by Minister.

PART IV

DEPORTATION

Service of Order

Service of order.

32. A deportation order or copy thereof shall be served upon the person against whom it is made and upon such other persons and in such manner as may be prescribed by the regulations.

Execution of Deportation

Time of execution.

33. (1) Unless otherwise provided in this Act, a deportation order shall be executed as soon as practicable.

Not affected by lapse of time.

(2) No deportation order becomes invalid on the ground of any lapse of time between its making and execution.

Notice of appeal stays deportation.

34. (1) Except in the case of a person who, pursuant to subsection one of section twenty-four, is returned to the place whence he came to Canada pending the decision on his appeal, an appeal against a deportation order shall stay the execution of the order pending the decision thereon.

Reopening of inquiry stays deportation.

(2) A reopening of an inquiry pursuant to section twenty-nine shall stay the execution of a deportation order pending the decision of the Special Inquiry Officer at such inquiry.

May be prosecuted before deportation.

35. (1) A person who has committed an offence against this Act or the regulations may, notwithstanding the fact that a deportation order has been made against him, be prosecuted and required to undergo any punishment that may be imposed upon him in respect of such offence before he is deported.

Not to be executed until after sentence completed.

(2) A deportation order that has been made against a person who was at the time of its issue an inmate of any penitentiary, gaol, reformatory or prison or becomes an inmate of such an institution before the order can be executed shall not be executed until such person has completed the sentence or term of imprisonment awarded or as reduced by a statute or other law or by a valid act of clemency or being served under licence issued under the *Ticket of Leave Act*.

R. S., c. 197.

Deportation.

36. (1) Subject to subsection two, a person against whom a deportation order has been issued shall be deported to the place whence he came to Canada or to the country of which he is a national or citizen or to the country of his birth or to such country as may be approved by the Minister under this Act.

Voluntary departure

(2) Unless otherwise directed by the Minister or an immigration officer in charge, a person against whom a deportation order has been made may be requested or allowed to leave Canada voluntarily.

Effect of Deportation Order

37. (1) Where a deportation order is made against the head of a family, all dependent members of the family may be included in such order and deported under it. Where head of family deported.

(2) Where a deportation order is made against a dependent member of a family for the reason that he has become a public charge, the head of such family and any other members thereof who in the opinion of a Special Inquiry Officer wilfully neglected to support such dependent member and were morally bound to support him may be included in such order and deported under it. Where dependent member deported.

38. Unless an appeal against such order is allowed, a person against whom a deportation order has been made and who is deported or leaves Canada shall not thereafter be admitted to Canada or allowed to remain in Canada without the consent of the Minister. Cannot re-enter without consent.

39. No court and no judge or officer thereof has jurisdiction to review, quash, reverse, restrain or otherwise interfere with any proceeding, decision or order of the Minister, Deputy Minister, Director, Immigration Appeal Board, Special Inquiry Officer or immigration officer had, made or given under the authority and in accordance with the provisions of this Act relating to the detention or deportation of any person, upon any ground whatsoever, unless such person is a Canadian citizen or has Canadian domicile. Jurisdiction of courts.

PART V

Transportation and Protection

40. (1) Where a deportation order is made against a person who has come to Canada through the United States of America and that country refuses to allow him to return or be returned to it the transportation company that brought him to the United States of America shall, where he is deported, pay the costs of deportation from the port of entry from which he will leave Canada and shall at its expense convey him or cause him to be conveyed to the place whence he came to the United States of America or to the country of which he is a national or citizen or to the country of his birth as directed in the deportation order or other order or direction made by the Minister, Director or a Special Inquiry Officer or at the request of the transportation company and subject to the approval of the Minister, to a country that is acceptable to such person and that is willing to receive him. Liability for deportation where U.S.A. refuses to allow return.

Liability for deportation in other cases.

(2) Where a deportation order or rejection order is made against a person other than a person described in subsection one, the transportation company that brought him to Canada shall, where he is deported, pay the costs of deportation or rejection from the port of entry from which he will leave Canada and shall at its expense convey him or cause him to be conveyed to the place whence he came to Canada or to the country of which he is a national or citizen or to the country of his birth as directed in the deportation order, rejection order or other order or direction made by the Minister, Director, a Special Inquiry Officer or an immigration officer or at the request of the transportation company and subject to the approval of the Minister, to a country that is acceptable to such person and that is willing to receive him.

Transportation to port from which deported person will leave Canada.

(3) Where a person against whom a deportation order has been made is being detained in any place in Canada other than the port of entry from which he will leave Canada, the transportation company or companies that brought him to such place shall, where he is deported, at its or their expense, convey him or cause him to be conveyed to that port of entry in accordance with the direction or order made in that behalf by the Minister, Director, a Special Inquiry Officer or an immigration officer.

Where deportation five years after admission or due to causes arising after admission.

(4) Notwithstanding anything contained in this section, where an inquiry is ordered more than five years after the date on which the person concerned was admitted to Canada or where deportation is ordered due to causes that arose subsequent to admission, the deportation costs shall not be paid by the transportation company concerned.

Where person possesses valid immigrant visa.

(5) Notwithstanding anything contained in this section, deportation costs shall not be paid by the transportation company concerned in respect of an immigrant who, upon his arrival in Canada, was in possession of a valid and subsisting immigrant visa required by this Act or the regulations and issued to him, after the commencement of this Act, by an immigration officer.

Costs of detention of persons seeking admission to Canada.

41. (1) The transportation company that brought to Canada a person seeking admission thereto shall pay all costs of his detention, except in the case of an immigrant who, upon his arrival in Canada, was in possession of a valid and subsisting immigrant visa required by this Act or the regulations and issued to him, after the commencement of this Act, by an immigration officer.

No liability where detention after admission to Canada.

(2) A transportation company is not required to pay the detention costs of any person who is detained after he has been admitted to Canada, except in the case of a person described in subparagraph (x) of paragraph *(e)* of subsection one of section nineteen or in section forty-three.

Duties of transportation companies to carry out deportation directions.

42. Every transportation company that, by or under this Act, is directed to pay detention, deportation or rejection costs or to carry any person who is ordered deported or rejected shall

(a) detain and guard safely the person concerned until he can be placed on board the vehicle on which he is to be carried;

(b) accept on board such vehicle, guard safely and transport such person in accordance with the deportation or rejection order or other order or direction or any regulations issued or made in that behalf; and

(c) pay such costs and, subject to any agreement between a transportation company and its passenger respecting return fares, refrain from, directly or indirectly, making any charge to or taking any remuneration or security from the deported person concerned in respect thereof.

Transportation of deported persons.

43. Where, pursuant to section forty, a transportation company is obligated to pay the costs of deportation of a person who is to be deported, it shall be notified thereof and given an opportunity of conveying him or causing him to be conveyed on one of its own vehicles or otherwise, but, where the transportation company, after being notified, is not prompt in furnishing transportation, the Minister may direct that such person be deported by other transportation at the expense of Her Majesty and the obligated transportation company shall, on demand, reimburse Her Majesty for the transportation expenses and any costs of the detention or safeguarding of the deported person incurred while en route or otherwise.

Duty to prevent passengers from leaving vehicle at unauthorized times or places.

44. A transportation company bringing persons to Canada shall not, upon the arrival of its vehicle in Canada, allow

(a) any persons to leave the vehicle at a place other than that designated by an immigration officer in charge; or

(b) individual persons or groups of persons to leave the vehicle until permission has been granted by an immigration officer in charge or by an immigration officer authorized by him.

Rights of immigration officers to inspect vehicles, documents, etc.

45. Immigration officers may inspect any vehicle bringing persons to Canada, examine the persons carried by it, examine any records or documents respecting such persons and take copies or extracts therefrom and may hold and detain such vehicle until their inspection and examination is completed.

Clearance.

46. No ship or aircraft bringing persons to Canada shall be granted clearance if the transportation company operating it or the owner or master thereof has, in the opinion of an immigration officer in charge, committed an offence under any provision of this Act or the regulations, but clearance may be granted, in the discretion of the

immigration officer in charge, if a sum of money is deposited with him at least equal to the maximum fine that may be imposed for such offence.

Free transportation to immigration officers.

47. Subject to section eleven A of the *Aeronautics Act* transportation companies shall furnish to immigration officers such free transportation as may be required in connection with their official duties and shall also furnish free transportation in Canada to one immigration officer of each of the governments of the provinces of Canada, as directed by the Minister.

Medical treatment.

48. (1) Where a medical officer is of opinion that a person seeking to come in to Canada is or may be, either pending his admission or pending his deportation where admission has not been granted, suffering from sickness or mental or physical disability or has been in contact with a contagious or infectious disease, such person may, where it is so directed by the Minister, Director, an immigration officer in charge or a medical officer, be afforded medical treatment or held for observation or diagnosis on board the vehicle by which he was brought to Canada or at an immigrant station or may be removed to a suitable hospital or other place for treatment, observation or diagnosis as so directed and the cost of treatment, medical attention and maintenance shall be paid by the transportation company that brought such person to Canada.

Costs of attendant accompanying sick person.

(2) The Minister, Director or an immigration officer in charge may, where he considers it advisable for the proper care of such person, direct that a member of his family or other suitable attendant be kept with him during his period of medical attention and treatment, including, in the case of deportation, his journey to the port of entry from which he will leave Canada, and the costs thereof shall be paid by the transportation company that brought him to Canada.

Regulations

49. The Governor in Council may make regulations with respect to the protection of immigrants and other persons, their transportation to Canada and of deported persons from Canada and the obligations of transportation companies for such purposes and, without restricting the generality of the foregoing, may make regulations respecting

(a) the provision, equipping and maintenance by transportation companies of buildings, accommodation or other facilities for the proper detention and examination of persons brought to Canada or to be deported from Canada on the vehicles of such companies;

(b) manifests, bills of health or other records or documents concerning the persons carried by vehicles to or from Canada;

(c) the identification, supervision and detention of persons to be carried in transit through Canada and the deposit and forfeiture or recovery of bonds or other security by transportation companies carrying such persons;

(d) the proper accommodation, examination, detention and treatment on board vehicles or otherwise respecting persons who have been ordered deported both while awaiting and during deportation;

(*e*) the obligations and duties of transportation companies and members of a crew to safeguard persons on board vehicles, to report escape from custody of persons in their custody and to take such other precautions or steps as may be required to prevent such persons from unlawfully coming into Canada or, in the case of persons in their custody who are ordered deported or rejected, from failing to leave Canada;

(f) the obligations and duties of transportation companies to ensure that immigrants or non-immigrants being carried to Canada by them are not within the prohibited classes and the medical examination and records of immigrants and non-immigrants carried by such companies to Canada;

(g) the reporting, detention, custody and return of stowaways or other persons who have secreted themselves in or upon a vehicle coming to Canada;

(h) lists or other information concerning the members of a crew, their discharge, transfer or desertion and the obligations and duties of transportation companies respecting the physical and mental fitness of members of a crew and the custody and return of deserters or any other members of a crew who are discharged from or leave the vehicle and come into or remain in Canada contrary to this Act or the regulations;

(i) the accommodation and facilities for immigrants and their right to remain on board a vehicle after its arrival in Canada and while awaiting inland passage from the port of entry;

(j) the boarding of ships or aircraft carrying immigrants to Canada after reaching Canada and before such immigrants have left the ship or aircraft and the entering of immigrant stations;

(k) the accommodation supplied to immigrants on board vehicles, including the space allotted per person, the number of persons carried in relation to tonnage and any other matter for their safety and protection; and

(l) the property carried by persons who die en route to Canada or in Canada while at an immigrant station or other place in the custody or under the supervision of immigration officers.

PART VI

OFFENCES AND PENALTIES

Specific offences respecting immigration.

50. Every person who,

(a) comes into Canada at any place other than a port of entry and fails to report to an immigration officer for examination;

(b) comes into Canada or remains therein by force or stealth or, knowing it to be false, misleading or improper, by reason of a false or improperly issued passport, visa, medical certificate or other document pertaining to his admission or other false or misleading information or fraudulent means;

(c) escapes or attempts to escape from lawful custody or detention under this Act;

(d) eludes examination or inquiry under this Act or, having received a summons issued by a Special Inquiry Officer, fails, without valid excuse, to attend an inquiry or, where required by such summons, to produce any document, book or paper that he has in his possession or under his control relative to the subject matter of the inquiry;

(e) refuses to be sworn or to affirm or declare, as the case may be, or to answer a question put to him or does not truthfully answer all questions put to him at an examination or inquiry under this Act;

(f) knowingly makes any false or misleading statement at an examination or inquiry under this Act or in connection with the admission of any person to Canada or the application for admission by any person;

(g) knowingly makes a false promise of employment or any false representation by reason of which a person is induced to seek admission to Canada or is assisted in any attempt to seek admission to Canada or by reason of which his admission is procured;

(h) for the purpose of encouraging, inducing, deterring or preventing immigration into Canada and knowing it to be false or misleading, publishes, disseminates or causes or procures the publication or dissemination of any false or misleading information or representations as to the opportunities for employment in Canada or other false or misleading information or representations;

(i) makes any charge to or receives any fee, recompense or reward from any person upon representations that a bribe, fee or other consideration has been paid or is payable to secure or assist in securing the admission to Canada of any person; or

(j) knowingly induces, aids or abets or attempts to induce, aid or abet any person to violate a provision of this Act or the regulations or to commit any offence under this Act or the regulations,

is guilty of an offence and is liable on summary conviction, for the first offence to a fine not exceeding five hundred dollars and not less than fifty dollars or to imprisonment for a term not exceeding six months and not less than one month or to both fine and imprisonment, and, for the second offence to a fine not exceeding one thousand dollars and not less than one hundred dollars or to imprisonment for a term not exceeding twelve months and not less than three months or to both fine and imprisonment, and, for the third or a subsequent offence to imprisonment for a term not exceeding eighteen months and not less than six months.

Offences respecting immigration officers.

51. (1) Every person who

(a) being an immigration officer, wilfully makes or issues any false document, certificate, declaration, statement or return touching upon any matter connected with his office or duty or accepts, agrees to accept or induces or assists another person to accept any bribe or other improper remuneration or benefit with respect to any matter connected with his office or duty or otherwise wilfully forsakes his duty;

(b) being an immigration officer, violates a provision of this Act or the regulations or commits any offence under this Act or the regulations or knowingly induces, aids or abets or attempts to induce, aid or abet any other person to do so;

(c) gives, offers or promises to give any bribe, recompense or consideration of any kind to or makes any agreement or arrangement with an immigration officer to induce him in any way to forsake his duty or to conceal or connive at any act or thing by which this Act or the regulations may be violated or an offence committed thereunder;

(d) personates or holds himself out to be an immigration officer or takes or uses any name, title, uniform or description or otherwise acts in any manner that may lead any person to infer that he is an immigration officer; or

(e) obstructs or impedes an immigration officer in the performance of his duties under this Act or the regulations,

is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars and not less than fifty dollars or to imprisonment for a term not exceeding six months and not less than one month or to both fine and imprisonment, and is liable on conviction on indictment to

a fine not exceeding five thousand dollars and not less than one thousand dollars or to imprisonment for a term not exceeding five years and not less than two years or to both fine and imprisonment.

Consent of Minister required for indictment proceedings.

(2) No proceedings by way of indictment for an offence under this section shall be commenced without the consent of the Minister.

General penalty.

52. Every person who violates any provision of this Act or the regulations or any order or direction lawfully made or given thereunder for which no punishment is elsewhere provided in this Act or the regulations is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

Officers of corporations.

53. Where an offence under this Act or the regulations has been committed by a corporation and whether or not the corporation has been prosecuted or convicted, every person who at the time of the commission of the offence was a director or officer of the corporation is guilty of the like offence and is liable on conviction to the punishment provided for the offence upon proof that the act or omission constituting the offence took place with his knowledge or consent, or that he failed to exercise due diligence to prevent the commission of such offence.

Offences outside Canada.

54. Any act, omission or thing that would by reason of this Act or the regulations, be punishable as an offence if committed in Canada, is, if committed outside Canada, an offence against this Act or the regulations and is triable and punishable in Canada.

Penalties in regulations.

55. The Governor in Council or the Minister may in any regulations made by him under this Act prescribe a fine or a term of imprisonment or both a fine and term of imprisonment that may be imposed upon summary conviction as a penalty for the violation of any regulation, but the fine so prescribed shall not exceed one thousand dollars and the term of imprisonment so prescribed shall not exceed one year.

Limitation

56. Any proceeding in respect of an offence under this Act or the regulations that is punishable on summary conviction may be instituted at any time within three years after the offence was committed.

Venue.

57. (1) Any proceeding in respect of an offence under this Act or the regulations may be instituted, tried or determined at the place in Canada where such offence was

committed or at the place in Canada in which the person charged with the offence is or has an office or place of business at the time of institution of such proceeding.

Where commission outside Canada.

(2) Any proceedings in respect of an offence under this Act or the regulations that is committed outside Canada may be instituted, tried or determined at any place in Canada.

Where more than one offence.

58. (1) In any proceedings in respect of offences under this Act or the regulations, any information may include more than one offence committed by the same person and all such offences may be tried concurrently and one conviction for any or all such offences may be made.

Sufficiency of proceedings.

(2) No information, warrant, summons, conviction or other proceedings for such offences shall be deemed objectionable or insufficient on the ground that it relates to two or more offences.

Penalty by Minister in certain cases.

59. (1) Where in the case of a ship or aircraft bringing persons to Canada the transportation company operating it or the owner or master thereof has, in the opinion of an immigration officer in charge, committed an offence under this Act or the regulations and a sum of money has been deposited with such officer pursuant to section forty-six, the Minister may impose a penalty against the offender up to but not exceeding the maximum fine that could be imposed for such offence and may retain such penalty from the sum of money deposited and shall return the balance, if any, of the deposit to the person who deposited it.

Effect.

(2) The imposition of a penalty under this section has the same effect as if such penalty had been imposed as a fine on a conviction for the offence.

Action for recovery.

(3) Any person upon whom a penalty was imposed may bring an action in the Exchequer Court for the recovery thereof on the ground that he did not commit the offence in respect of which the penalty was imposed, but the burden of proof shall lie upon him to show that he did not commit such offence.

Disposition of fines, etc.

60. All fines, penalties and forfeitures imposed or recovered under this Act or the regulations belong to Her Majesty for the public uses of Canada.

PART VII

General

Regulations.

General regulations

61. The Governor in Council may make regulations for carrying into effect the purposes and provisions of this Act and, without restricting the generality of the foregoing, may make regulations respecting,

Persons who require assistance to come to Canada.

(a) the terms and conditions under which persons who have received financial assistance to enable them to obtain passage to Canada or to assist them in obtaining admission to Canada may be admitted to Canada;

Literacy and other tests.

(b) literacy, medical and other examinations or tests and the prohibiting or limiting of admission of persons who are unable to pass them;

Funds, passports, etc.

(c) the terms, conditions and requirements with respect to the possession of means of support or of passports, visas or other documents pertaining to admission;

Non-continuous journey.

(d) the admission to Canada of persons who have come to Canada otherwise than by continuous journey from the countries of which they are nationals or citizens;

Passengers brought by certain companies.

(e) the prohibiting or limiting of admission of persons brought to Canada by any transportation company that fails to comply with any provision of this Act or any regulation, order or direction made under it;

Nationals of countries that refuse to readmit.

(f) the prohibiting or limiting of admission of persons who are nationals or citizens of a country that refuses to readmit any of its nationals or citizens who are ordered deported; and

For reasons of occupation, customs, etc.

(g) the prohibiting or limiting of admission of persons by reason of

(i) nationality, citizenship, ethnic group, occupation, class or geographical area of origin,

(ii) peculiar customs, habits, modes of life or methods of holding property,

(iii) unsuitability having regard to the climatic, economic, social, industrial, educational, labour, health or other conditions or requirements existing, temporarily or otherwise, in Canada or in the area or country from or through which such persons come to Canada, or

(iv) probable inability to become readily assimilated or to assume the duties and responsibilities of Canadian citizenship within a reasonable time after their admission.

Regulations respecting procedure, duties, etc.

62. The Minister may make regulations, not inconsistent with this Act, respecting the procedure to be followed upon examinations, inquiries and appeals under this Act and

the duties and obligations of immigration officers and the methods and procedure for carrying out such duties and obligations whether in Canada or elsewhere.

Forms, Notices, Uniforms, Etc.

Powers of Minister.

63. The Minister may

Forms and notices.

(a) prescribe such forms and notices as he deems necessary for the carrying out of this Act and the regulations;

Ports of entry, etc.

(b) designate ports of entry and immigrant stations for the purposes of this Act; and

Uniforms.

(c) prescribe and arrange for the procurement of suitable uniforms and insignia to be worn by immigration officers.

Evidence.

Proof of documents.

64. (1) Every document purporting to be a deportation order, rejection order, warrant, order, summons, direction, notice or other document over the name in writing of the Minister, Director, Special Inquiry Officer, immigration officer or other person authorized under this Act to make such document shall, in any prosecution or other proceeding under or arising out of this Act, be prima facie evidence of the facts contained therein and shall be receivable in evidence without proof of the signature or the official character of the person appearing to have signed the same unless called in question by the Minister or some other person acting for him or Her Majesty.

Forms prescribed by Minister.

(2) Every form or notice purporting to be a form or notice prescribed by the Minister shall be deemed to be a form or notice prescribed by the Minister under this Act unless called in question by the Minister or some person acting for him or for Her Majesty.

Security and Liens.

General security by transportation companies.

65. (1) The Minister may require any transportation company that transports or carries immigrants, directly or indirectly, to Canada to deposit with the Director such sum of money or other security as the Minister deems necessary as a guarantee that such transportation company will comply with this Act and the regulations.

Forfeiture where Act not complied with.

(2) Where a transportation company fails to comply with a provision of this Act or the regulations, the Minister may order that the whole or any part of the security money deposited by it be forfeited and thereupon such money or

part is forfeited or may order that proceedings be taken to enforce payment of the whole or part of such other security as may be deposited.

Return where no longer required.

(3) Any security or part thereof deposited under this section may be returned or cancelled, as the case may be, upon a direction from the Minister that such security or part is no longer required.

Security respecting deserters.

66. (1) Where a member of the crew of a vehicle deserts the vehicle while in Canada, or is, for any reason, to be left in Canada after the departure of the vehicle, the immigration officer in charge of the port of entry at which the vehicle may be may require the transportation company operating it or the owner or master thereof to deposit with him such sum of money as he deems necessary as security for the return of such member to the vehicle or his deportation or other departure from Canada.

Return of deposit.

(2) Where within three years after the date of the deposit, such member of the crew returns to the vehicle, has voluntarily left Canada or is deported, the money deposited shall be returned, less any expenses for detention, maintenance, treatment or transportation or otherwise incurred by Her Majesty respecting him.

Forfeiture, etc.

(3) Where the member of the crew has not returned to the vehicle or has not voluntarily left Canada or been deported within three years after the date of the deposit, the Minister may order that the money deposited be forfeited and thereupon it is forfeited or that it be returned subject to any further security he may prescribe against the expenses that may be incurred by Her Majesty should such member of the crew be later found in Canada.

Security that non-immigrants will leave Canada.

67. (1) The immigration officer in charge at a port of entry may require any non-immigrant or group or organization of non-immigrants arriving at such port to deposit with him such sum of money as he deems necessary as a guarantee that such non-immigrant or group or organization of non-immigrants will leave Canada within the time prescribed by him as a condition for entry.

Disposal.

(2) Where the non-immigrant or group or organization of non-immigrants fails to leave Canada within the time prescribed, the immigration officer in charge may order that the sum of money so deposited be forfeited and thereupon it is forfeited and where the person or persons concerned leave Canada within the prescribed time the money deposited shall be returned, less any expenses for detention, maintenance, treatment or transportation or otherwise incurred by Her Majesty respecting such person or persons or any of them.

68. (1) All costs of deportation or detention and all fines, penalties or court costs that may be imposed on any person by or under this Act may be recovered as a debt due to Her Majesty. Costs, may be recovered as debt due to the Crown.

(2) All costs of deportation or detention and all fines, penalties or court costs that may be imposed on any person by or under this Act shall, until payment thereof, be a lien upon the property of such person and may be enforced or collected by the seizure and sale of such property or a portion thereof under the warrant or order of a superior, county or district court. Lien on property for costs, fines, etc.

Loans to Immigrants.

69. (1) The Minister of Finance may from time to time advance to the Minister out of the Consolidated Revenue Fund of Canada such sums as the Minister may require to enable him to make loans to immigrants in respect of the costs of their transportation to Canada, transportation from the port of arrival to their place of destination in Canada and their reasonable living expenses en route from the place whence they came to the place of destination in Canada. Loans to immigrants.

(2) The Governor in Council may make regulations to give effect to subsection one, including the rate of interest, if any, to be charged on such loans and the terms of repayment. Regulations.

(3) Expenditures that are made under subsection one shall be accounted for in the same manner as public moneys. Accounting.

(4) The Minister shall pay to the Minister of Finance all moneys he receives from immigrants by way of repayments of loans made under subsection one. Repayment to Minister of Finance.

(5) The total amount of outstanding advances to the Minister under this section shall not at any one time exceed twelve million dollars. Limitation.

(6) The Minister shall within three months after the termination of each fiscal year or, if Parliament is not then in session, within fifteen days after the commencement of the next ensuing session thereof, lay before Parliament a report setting out the total number and amount of loans made under subsection one during that year. Report to Parliament.

Assistance on leaving Canada.

70. The Minister may direct that the costs of transportation from Canada be paid out of moneys appropriated by Parliament in the case of a person, Assistance in certain cases.

(a) whose transportation costs are not, under this Act, payable by a transportation company;

(b) who should, in the opinion of the Minister, be assisted in leaving Canada in order to avoid separation of a family or for other good cause; and

(c) who is, in the opinion of the Minister, unable to defray, without hardship, his own costs of transportation.

Deputy Minister and Director.

Authority of Deputy Minister or Director.

71. The Minister may authorize the Deputy Minister or the Director to perform and exercise any of the duties, powers and functions that may be or are required to be performed or exercised by the Minister under this Act or the regulations and any such duty, power or function performed or exercised by the Deputy Minister or the Director under the authority of the Minister shall be deemed to have been performed or exercised by the Minister.

Saving Clause.

Orders, etc., under former Act to be given effect as if made under this Act.

72. (1) Every deportation order, permit, warrant, order, direction, notice or other document that was issued, made or granted under the laws respecting immigration that were in force before the commencement of this Act and that was valid immediately prior to the commencement of this Act shall be given effect as if issued, made or granted under this Act.

Continuation and completion of inquiries, etc.

(2) Unless the Minister directs that they be continued and completed under the provisions of the laws respecting immigration that were in force before the commencement of this Act, all examinations, investigations, inquiries, appeals or other matters relating to landing, entry or deportation of any person that were commenced pursuant to such laws and are not completed at the time of the commencement of this Act shall be continued and completed pursuant to the provisions of this Act as far as such provisions can be adapted.

Repeal.

Repeal.

73. The *Immigration Act*, chapter ninety-three of the Revised Statutes of Canada, 1927, and section twenty-six of *The Opium and Narcotic Drug Act, 1929*, chapter forty-nine of the statutes of 1929, are repealed.

Commencement.

Coming into force.

74. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
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